

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MICHELLE LEE TANNLUND, on behalf of herself and all others similarly situated,)	
)	
)	Case No. 1:14-cv-5149
Plaintiff,)	
)	Hon. Judge James B. Zagel
v.)	
)	
REAL TIME RESOLUTIONS, INC.,)	
)	
Defendant.)	

**MOTION BY REAL TIME RESOLUTIONS, INC. FOR
JUDGMENT ON THE PLEADINGS**

REAL TIME RESOLUTIONS, INC. (“Real Time”), by and through undersigned counsel, submits this Motion for Judgment on the Pleadings pursuant to Federal Rule of Civil Procedure 12(c) (the “Motion”). In support of this Motion, Real Time respectfully states as follows:

1. The pleadings in this case—including written instruments mentioned in and central to those pleadings—show that Plaintiff has failed to state a claim upon which relief can be granted under the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, *et seq.*

2. Specifically, in a loan modification agreement central to the pleadings, Plaintiff provided her cellular telephone number to Real Time and expressly consented to its use to contact her regarding her loan. Such “prior express consent” precludes liability under the TCPA as a matter of law.

3. Accordingly, pursuant to Federal Rule of Civil Procedure 12(c), Real Time moves this Court to enter judgment in its favor on the pleadings.

WHEREFORE, REAL TIME RESOLUTIONS, INC. respectfully requests that this Court enter an Order (i) granting judgment in its favor on Plaintiff's Complaint, (ii) dismissing Plaintiff's Complaint with prejudice and (iii) awarding all such other relief deemed equitable and just.

Dated: August 1, 2014

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By: /s/ David S. Almeida
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Counsel for Real Time Resolutions, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing **MOTION BY REAL TIME RESOLUTION, INC. FOR JUDGMENT ON THE PLEADINGS** was served upon all interested parties using this Court's ECF filing system this 1st day of August, 2014.

/s/ David S. Almeida